



# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference dsr.3234.pct.df.e		FOR FURTHER ACTION	See Form PCT/PEA/416
International application No. PCT/GB2005/000327	International filing date (day/month/year) 31.01.2005	Priority date (day/month/year) 31.01.2004	
International Patent Classification (IPC) or national classification and IPC INV. H04L29/06			
Applicant ELONICS LIMITED et al.			
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> sent to the applicant and to the International Bureau) a total of sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>			
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input checked="" type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>			
Date of submission of the demand  30.11.2005		Date of completion of this report  24.04.2006	
Name and mailing address of the international preliminary examining authority:  European Patent Office - Gitschiner Str. 103 D-10958 Berlin Tel. +49 30 25901 - 0 Fax: +49 30 25901 - 840		Authorized officer Eraso Helguera, J Telephone No. +49 30 25901-491 	

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**Box No. I Basis of the report**

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
  - ☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
    - ☐ international search (under Rules 12.3 and 23.1(b))
    - ☐ publication of the international application (under Rule 12.4)
    - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements\*** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

**Description, Pages**

1-17 as originally filed

**Claims, Numbers**

1-10 as originally filed

**Drawings, Sheets**

1/8-8/8 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. ☐ The amendments have resulted in the cancellation of:
  - ☐ the description, pages
  - ☐ the claims, Nos.
  - ☐ the drawings, sheets/figs
  - ☐ the sequence listing (*specify*):
  - ☐ any table(s) related to sequence listing (*specify*):
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
  - ☐ the description, pages
  - ☐ the claims, Nos.
  - ☐ the drawings, sheets/figs
  - ☐ the sequence listing (*specify*):
  - ☐ any table(s) related to sequence listing (*specify*):

\* If item 4 applies, some or all of these sheets may be marked "superseded."

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**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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1. Statement

Novelty (N)	Yes: Claims	1-10
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	1-10
Industrial applicability (IA)	Yes: Claims	1-10
	No: Claims	

2. Citations and explanations (Rule 70.7):

**see separate sheet**

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**Box No. VI Certain documents cited**

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1. Certain published documents (Rule 70.10)

and / or

2. Non-written disclosures (Rule 70.9)

**see separate sheet**

10/587649

AP20 Rec'd PCT/PTO 27 JUL 2006  
International application No.

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Re Item V.

- 1 Reference is made to the following document:

D1 : RITTER M B ET AL: "Word Striping on Multiple Serial Lanes" IEEE 802.3  
HSSG MEETING, [Online] 9 November 1999 (1999-11-09), pages 1-18,  
XP002329053 KAUAI, HI, US Retrieved from the Internet:  
URL: [http://grouper.ieee.org/groups/802/3/1OG\\_study/public/nov99/ritter\\_1\\_1199.pdf](http://grouper.ieee.org/groups/802/3/1OG_study/public/nov99/ritter_1_1199.pdf); [retrieved on 1996-05-21]

2 INDEPENDENT CLAIM 1

- 2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not inventive in the sense of Article 33(3) PCT.

Document D1 discloses (the references in parentheses applying to this document):

A method of communicating information (see page 12, in-band signalling) within a physical link layer of a packet based communication system, comprising the steps:

- a) Employing a physical link layer transmitter to use an additional input data field within an idle data field of a data stream transmitted within the packet based communication system (see page 12, *Idle Word*); and
- b) Employing a physical link layer receiver to extract the additional input data field without corrupting information contained within the data stream (the receiver must in any case extract the information contained in the different Dx.y of an Idle word).

The subject-matter of claim 1 therefore differs from this known method in that:  
The additional input data field substitutes existing bits in the idle data fields.

The problem to be solved by the present invention may therefore be regarded as the need of hardwiring non-standard signalling codes in the physical link layer transmitter/receiver.

The feature of having standard fields replaced by additional input data fields at the transmitter and restored at the receiver by an external entity (multiplexer/demultiplexer) is merely one of several straightforward possibilities from which the skilled person would select, in accordance with circumstances, without the

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exercise of inventive skill, in order to solve the problem posed.

**3 INDEPENDENT CLAIM 10**

- 3.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 10 is not inventive in the sense of Article 33(3) PCT. Claim 10 refers to the corresponding means for carrying out the method of claim 1. The subject-matter of claim 10 is therefore, and for the reasons above, not inventive.

**4 DEPENDENT CLAIMS 2-9**

Dependent claims 2-9 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step (Article 33(2) and (3) PCT).

**Re Item VI**

**Certain documents cited**

**Certain published documents**

Application No Patent No	Publication date (day/month/year)	Filing date (day/month/year)	Priority date (valid claim) (day/month/year)
US 2005/063413 A1	24.03.2005	23.09.2003	23.09.2003